Single Bench (3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 182 OF 2005

BETWEEN

S.K.Mishra, S/o R.K. Mishra aged about 35 years, occupation, P.G.T. (Physics),posted at Kendriya Vidyalaya, Bilaspur, resident of 1457/I Wireless COLONY< Bilaspur, Tahsil and District Bilaspur (CG).

P.R. No. 183/05
Presented by Shri R.L. Srivastava
dated 17.01.05

---------- **PETITIONER**

VERSUS

1. The Union of India, Through the Secretary, Ministry of U.R.D.,
   Department of Education, New Delhi .
2. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Jabalpur, Tahsil and District Jabalpur (MP).
3. The Education Officer, Kendriya Vidyalaya Sangathan, Regional Officer, Jabalpur, Tahsil and Distsrict Jabalpur (MP).
4. The Principal, Kendriya Vidyalaya Sangathan, Bacheli, Distsrict Dantewada (CG).
5. The Principal, Kendriya Vidyalaya Sangathan, Bilaspur,Tahsil and District Bilaspur (CG).
6. Smt. R.Leela Bai, Principal, Kendriya Vidyalay Sangathan, Bilaspur, Tahsil and Distsrict Bilaspur (CG).

Rle Shri Yadav 17.01.05 Clerk to Shri Vinay Pandit Sr. Advocate

---------- **RESPONDENTS**

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A WRIT IN THE NATURE OF MANDAMUS, PROHIBITATION CERTIORARI ETC OR ANY OTHER DIRECTION OF ORDER TO DO JUSTICE IN THE MATTER.

1. **PARTICULAR OF THE PETITIONER :-**

   As Stated in the cause title above.

28/1/05

18/1/05

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(29)

आदेश पत्रक

मामला क्रमांक W.P.182/05 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

7.4.2005

Shri Shailendra Soni, counsel for the petitioner.

Shri Vinay Harit, Standing Counsel for respondent No.2 to 6.

Heard learned counsel for the parties.

Learned counsel for respondent Nos.2 to 6 at the outset submits that this Court has no jurisdiction to entertain this petition, as the petitioner being an employee of Central Government has to approach the Central Administrative Tribunal for redressal of his grievances.

The petitioner is working as PGT (Physics) teacher at Kendriya Vidyalaya Bilaspur since 9.4.2002. However, vide order dated 9.12.2004 the petitioner has been temporarily attached with Kendriya Vidyalaya, Bacheli and as per the case of the petitioner he joined his duties at Bacheli on 13.12.2004. Thereafter, the petitioner has been relieved from Kendriya Vidyalaya Bacheli on 4.1.2005 but he has not been allowed to join his duties at Kendriya Vidyalaya, Bilaspur.

Learned Standing Counsel for respondent No.2 to 6 argued that in view of the judgment of the Hon'ble Apex Court in the matter of **Kendriya Vidyalaya Sangathan V. Subhash Sharma** reported in **AIR 2002 SC 1295** the appropriate Forum available to the petitioner is Central Administrative Tribunal.

In this matter the Hon'ble Apex Court has held that "*Kendriya Vidyalaya is an autonomous body registered under the Societies Registration Act and controlled by the Govt. of India and that being the position the Administrative Tribunal has jurisdiction concerning service matters of the employees of the Kendriya Vidyalaya in view of sub-clause (iii) of S.14(1)(b). Kendriya Vidyalaya is also included at Item No.34 in*

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(30)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

the notification of the Govt. of India dated 17th Dec.,1988 issued under sub-section (2) of S.14 of the Act by which the Central Govt. specified that the Act shall apply to the organizations mentioned in the schedule to the Notification. Therefore, the service disputes concerning the employees of the Kendriya Vidyalaya would come under the jurisdiction of the Central Administrative Tribunal. The High Court cannot directly entertain the writ petitions concerning service matters of the employees of the Kendriya Vidyalaya as these matters come under the jurisdiction of the Administrative Tribunal. Writ petition liable to be transferred to the Central Administrative Tribunal.

In view of the above legal position, this Court has no jurisdiction to entertain this writ petition and accordingly, the petition is dismissed as not maintainable. However, the petitioner is directed to approach the Central Administrative Tribunal for redressal of his grievances, if so advised.

Consequently, M.(W.)P No.156/05 & I.A. No.156/05 also stand dismissed.

Sd/-
L.C. Bhadoo
Judge

(पीछे देखिये)